

**EDUCATION AND HEALTH
STANDING COMMITTEE**

**INQUIRY INTO MENTAL HEALTH IMPACTS OF
FIFO WORK ARRANGEMENTS**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 22 OCTOBER 2014**

SESSION ONE

Members

Dr G.G. Jacobs (Chair)
Ms R. Saffioti (Deputy Chair)
Mr R.F. Johnson
Ms J.M. Freeman
Mr M.J. Cowper

Hearing commenced at 9.33 am**Mr SIMON RIDGE****Executive Director, Resources Safety Division, Department of Mines and Petroleum, examined:**

The CHAIR: On behalf of the Education and Health Standing Committee, I thank you for your appearance before us today. The purpose of this hearing is to assist the committee in understanding the activities of the Department of Mines and Petroleum and, more specifically, its role in regulating work safety with respect to mental health. At this stage, I will introduce myself; I am Graham Jacobs. On my left is Rob Johnson and on his left is Janine Freeman. There is also our executive, Mat and Daniel, and Hansard will record this hearing. This hearing is a formal procedure of Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. Before we proceed to the questions we have for you today, I need to ask you a series of questions. Have you completed the “Details of Witness” form?

Mr Ridge: I have.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

Mr Ridge: Yes, I have read them.

The CHAIR: Did you receive and read the information for witnesses briefing sheet provided with the “Details of Witness” form today?

Mr Ridge: I read them today.

The CHAIR: Do you have any questions of us?

Mr Ridge: No, I do not think so.

The CHAIR: Please state the capacity in which you appear before the committee today.

Mr Ridge: I am the executive director of the Resources Safety Division at the Department of Mines and Petroleum. I am the executive who has oversight of the occupational health and safety legislation pertaining to coastal waters, petroleum, onshore petroleum, major hazard facilities where there are mines, and mines in general.

The CHAIR: Thanks very much. I will kick off by coming right to the nub of the issue. If a worker or other authorised person commits suicide onsite under DMP’s jurisdiction—I think we understand from the briefing notes that we have had from you what jurisdictions come under you and what come under WorkSafe—is it a requirement for the suicide to be reported to DMP?

Mr Ridge: If a death occurred on a mine site, then it would be reported to us. If that was in the workplace on the mine site, then we would investigate. In general terms, the police and the coroner are involved. The police represent the coroner, and if there was a suggestion that it was a work-related event related to the work, then we would conduct an investigation. If it was established that it was a suicide, normally the police would run with the investigation and we would liaise with them and provide them with whatever they needed. I would say that we have not actually had someone commit suicide in the workplace in recent times, although I am aware that that has happened in the past. In recent times, the suicides that we have been notified of have either been in the camp, which

is not considered to be work related, or they have left the site and gone somewhere else. I have certainly been informed of those events when they have happened.

The CHAIR: Just on that point—the question of the camp—under the Mines Safety and Inspection Act, the accommodation is actually deemed as part of the mining operation.

Mr Ridge: Where work is being conducted. It is an activity as well as a location.

The CHAIR: But what you are saying is the accommodation under you is not deemed part of the operation.

Mr Ridge: It would be—the people doing the cleaning and the cooks and the chefs, when they are doing work, then they are occupational health and safety. If that mine camp is not in a town—it gets quite complicated, but the occupational health and safety legislation relates to mining and mining operations, so it has to be on the mine and they have to be doing work. So if someone is not at work and they are in the camp, then the legislation does not apply to those hours when they are not working.

Ms J.M. FREEMAN: When they are not on the tools, basically. If they are not on the tools, then you consider them not working. The fact that they are required to stay in the camp does not mean that you say that they are working because they are not on the tools.

Mr Ridge: That is right; however, we would normally be notified and then we would make—in fact, we had one recently in a camp. Our officers attended, and then the police would do the —

Ms J.M. FREEMAN: Can you take us through that? What would happen? Just take us through. What happened in that case, and what was documented, is, I suppose, what is important to us to know.

Mr Ridge: We would get a notification through what we call an “SRS system”, where technically the registered manager —

Ms J.M. FREEMAN: So, SRS stands for —

Mr Ridge: Safety regulation system. So, we would receive a notification, and then we would liaise with the police who responded, because normally the police would be there before we would, and then we would direct resources there. Every situation is different.

[9.40 am]

Ms J.M. FREEMAN: Take us through that situation.

Mr Ridge: In that particular situation the gentleman apparently hung himself. The advice of the police was that there were no suspicious circumstances. We did attend the site to verify that and then the police took over the investigation.

Ms J.M. FREEMAN: How do you document it?

Mr Ridge: It is documented in our system electronically in our ourDOCS system—our record system.

Ms J.M. FREEMAN: The Resources Safety appendix that was appendix 1 to your submission that you sent us has the dates and the lost-time injury reports related to mental health in the mining and petroleum sector. Would that be documented —

Mr Ridge: That particular event, which only happened since we sent that, that will be in our RS system, yes.

Ms J.M. FREEMAN: That is your SO system here, so that would be documented. You said you go when there is a suggestion that it is work related. What suggests that it is work related?

Mr Ridge: The evidence that the police have already handed over, if a guy is found in his accommodation.

Ms J.M. FREEMAN: So, you do not attend every suicide?

Mr Ridge: We have had very few of them. That was the recent one. The one previous to that was probably 18 months or two years ago, when a gentleman left the camp and walked down the railway line and laid in front of the train. That was not in our jurisdiction at all because the railway lines are not our jurisdiction. We would have talked to the police and there was no data as to what had happened, and the police ran with that inquiry.

Mr R.F. JOHNSON: What concerns me is that it appears that unless someone commits suicide while they are working on a site, they are not recorded as a FIFO suicide related to that work. If they commit suicide in the camp or, as you say, they go down and lay in front of a train, that is not considered in any way work related.

Mr Ridge: Our legislation certainly does not classify that.

Mr R.F. JOHNSON: So does nobody investigate the link —

Mr Ridge: The police.

Mr R.F. JOHNSON: Apart from the police, does nobody investigate the link between that person committing suicide and the work that they do on the site as a FIFO worker?

Mr Ridge: We do not. There is no requirement for the mine officials to report whether someone was FIFO, DIDO resident or whatever; we do not have statistics around that. As I said, the number of suicides on mines is very, very small.

Ms J.M. FREEMAN: But you do not know that. You know that actually on the tools on the mines, that is small.

Mr Ridge: If it happened in the workplace at that location, then we would be informed. We were informed of the one in the camp. We were informed of the one where someone left the camp and laid down in front of a —

Ms J.M. FREEMAN: But that is not recorded in these details, though.

Mr Ridge: No, because it is not related to the Mines Safety and Inspection Act because it was not at work. I can remember a long, long time ago when someone blew themselves up underground. I can remember another one where someone stole explosives and blew themselves up in a cul-de-sac in Perth. That was—I am guessing—at least 10 years ago or maybe more. Really, a mining operation is a place and the occupational health and safety legislation applies to the activities around the work in that place.

Ms J.M. FREEMAN: Simon, if you have been doing this for 10 years and you remember something like that, you will have remembered 20-odd years ago when occupational health and safety included welfare—yes?

Mr Ridge: Yes.

Ms J.M. FREEMAN: In the general Occupational Health, Safety and Welfare Act. In the period of time that the Court government was in place, the minister at the time, Kierath, took welfare out of the act and changed it to be the Occupational Safety and Health Act—so took out the aspect of employers having to take into account people's welfare. Was that a similar situation for Mines and Petroleum? Was welfare in your —

Mr Ridge: Welfare was never in the title.

Ms J.M. FREEMAN: Okay, welfare has never been part of a concern of Mines and Petroleum in terms of —

Mr Ridge: I would not say it has not been a concern for us. We have put in place various things to look at some of the causal effects, but our legislation is silent on mental health; it talks about health. We take that to include, but it does not specify it in the legislation —

The CHAIR: Has that been tested, Simon? Has that been tested ever that “health” actually means physical and psychological?

Mr Ridge: No, but the new legislation is explicit, or the intent. When the new bill comes forward, if it goes through as is written in the model legislation and then it is explicit to include —

Ms J.M. FREEMAN: Mental health.

Mr Ridge: Mental health.

Ms J.M. FREEMAN: When is that due to come into Parliament?

Mr Ridge: We have been given approval to draft, so hopefully it will be going in along with the WorkSafe bill early next year. Then we will be working on the regulations and, hopefully, early in 2016, the whole package will come into force.

Mr R.F. JOHNSON: Do you think in your experience, Simon, that it is reasonable to assume that somebody who commits suicide, not necessarily while they are on the tools on the site, but outside the site in the camp, on the local railway track, wherever, or even back in Perth, if they are a FIFO worker, do you think it is reasonable to assume that it should be considered a link with the FIFO situation and the suicide and the inherent problems that some FIFO workers have, such as being away from their family, stress and all these sorts of things?

Mr Ridge: Are you asking my personal opinion?

Mr R.F. JOHNSON: Yes.

Mr Ridge: Look, it is a very complicated problem and it is multifaceted. There is no doubt that some individuals are more resilient than others and what happens off site and on site will have an impact. There is no doubt about that. I am not an expert—I am not a psychologist—and what the relativities are between that and which has the bigger impact or otherwise, I could not possibly say.

Ms J.M. FREEMAN: But you are an expert in safety and you do know that safety is all about setting up systems. It is not about looking at individual problems; it is about ensuring that you have a systematic application of procedures and processes that ensure the safety of workers in worksites. If, as you say, the new legislation will take in health that will include mental health, what is your view about a safety system that would protect workers from mental health issues?

Mr Ridge: Again, it is very complicated; however, you would certainly need to have a facility for the individual to be able to put their hand up and say, “I’ve got some problems”, and for that to be treated in an appropriate way so that those sorts of problems can be addressed.

Ms J.M. FREEMAN: One thing is fatigue. You have mentioned that in your own report. You go through a list of issues—fatigue, stress, bullying and those sorts of things—that lead to mental health issues. Let us take, for example, fatigue. We have received individual submissions from many people that say that the way rosters are established lead to fatigue issues for them and various other issues in terms of family relationships and stuff like that. If you were doing a safety system, which in the mining industry is what you are doing, we are going away and we are looking at how you put a systematic application of process and procedures in place to ensure the safety of workers, what would you do around that particular issue?

Mr Ridge: First of all, you involve the workforce in designing that roster system. Input into the system from the people who are going to be working that system is very important. You need to involve the safety reps and the workers themselves. Obviously, management has to commit to designing a system with input from knowledgeable sources, people like the Adelaide sleep centre, who have published a lot on how people need to recover having worked for 12 hours and going from night shifts to day shifts and the impact on the circadian rhythm and all those things. There is a plethora of technical data. There is ample advice as to how these things should be structured and the processes that you need to have in place to make sure that individuals are able to identify issues

around fatigue so that they can take action prior to the impact having a negative effect. If you are a young family man and you have got a six-month-old baby who has kept you up over the weekend before you go to work, you need to be able to let your supervisor know, “Look, I didn’t really sleep very well last night. It is not a good idea to put me on top of that machine; maybe I should be doing something else until I can recover”—that type of thing. So you need to have a process, first, designing a roster with input from people who are going to be working the roster. Then you need to have provisions within that system to ensure that where people have an impact on their capacity to operate without fatigue, or any other impact for that matter, for that to be freely and without prejudice, shall we say, brought to light and having some alternatives so that people are not exposed to the hazard associated with that fatigue.

[9.50 am]

Ms J.M. FREEMAN: WorkSafe has the code of practice on working hours, but practically, as a regulator, what would you need in regulations to ensure that that was a document that had some meaning and you, as a regulator, could ensure that on the ground it was delivering what you are saying, which is a system that looks after people from fatigue?

Mr Ridge: Fatigue is part of a safety management system.

Ms J.M. FREEMAN: As a regulator, what —

Mr Ridge: As a regulator, you have an act that enabled you to develop regulations around the requirements as an identification risk assessment and the safety management system that covered those bases.

Ms J.M. FREEMAN: But, as a regulator, would it not be simpler just to have parameters around what sort of rosters are unacceptable or acceptable?

Mr Ridge: I would say that one size does not fit all. Certainly, you have got the Alcoa roster—two days, two nights, four days off—probably the ideal roster. I have worked shiftwork for many years myself, and I hate night shift; I absolutely hate it. I am one of those people who find it difficult to sleep. If I was going to work night shift, I would want to work the Alcoa roster, which, to me, is an ideal one. I have relatives who work two and one. I know people work eight and six, but I also know in construction, particularly in oil and gas, they tend go for four and one. The longer those rosters go, one would imagine, depending on your individual —

Ms J.M. FREEMAN: But I do not want you to imagine; I want you to tell me, as a regulator, how do you know that that is not a safe working roster? How will you be able to regulate and establish what is a safe regulatory regime? It has plagued us for a long time. The code of practice on working hours is so generalised that it does not really deliver.

Mr Ridge: There is no one roster to suit every individual. It is as simple as that. You cannot regulate for it.

Ms J.M. FREEMAN: No, but you can regulate the system, though, can you not?

Mr Ridge: Yes, the system is that, in consultation with the workforce, you establish those before you make those changes. When we brought in 12-hour shifts, there was some considerable consultation with people, but there are always going to be individuals who will find it hard and you will find other individuals who find it easy.

Ms J.M. FREEMAN: I am not trying to dominate, but I just do want to ask one question. You talked about the new act and the provisions that you are writing up in the new act. Is that going to bring in safety case into the mining industry?

Mr Ridge: No. Safety case is a licensing regime. What it brings in is a requirement for a safety management system, formal risk assessment and principal hazard management plans—principal operating plans—which are what you would expect to see in a safety case in terms of describing a

safety management system. But it is not a licensing regime; there is another component to a safety case.

Ms J.M. FREEMAN: But it will be a different way of regulating, will it not? You will regulate on the basis of a safety case instead of regulating on the basis of —

Mr Ridge: On the basis of a safety management system.

Ms J.M. FREEMAN: Yes. So, it will be a different regulating system; okay. For a safety case system, would you not be better, if that is what you are moving to, to ensure that welfare is very well laid down in the act so that that has to be included in a safety case process?

Mr Ridge: I think it is appropriate to specify that health includes psychosocial health, as well as slips, trips, falls and bumps and the impact of machines, so yes.

The CHAIR: For the safety cases in relation to oil and gas, there are safety case documents. Basically, do they incorporate today the mental health aspect?

Mr Ridge: Yes, within the pro formas that they are required to fill out when they submit their safety management systems, it covers the issues around mental health as well as —

Ms J.M. FREEMAN: That is for licensing.

Mr Ridge: That is for the evaluation of their safety management system.

The CHAIR: Just for my knowledge, the safety cases you relate sit in and around oil and gas. I think Janine might have touched on this, but are there any plans to widen the safety case-type process to mining generally?

Mr Ridge: As I said, the provisions within the intended legislation—which, obviously, has to go before Parliament—would provide mines with a safety management system. So, the outcome will be the same as if it was a safety case, put it that way.

Ms J.M. FREEMAN: The answer is yes, but not quite the same.

Mr Ridge: The safety management system will address all the issues you would expect to get under a safety case. It is essentially the same beast. A safety case is a particular mechanism; it is slightly different. So there is not a licensing aspect.

The CHAIR: How do you ensure that the safety case is, if you like, being adhered to or conformed with?

Mr Ridge: We would audit them. Obviously, we would have people on the ground looking at those things. Our inspectors would be looking at their records. We meet with the senior staff with the safety representatives to see that the system is working and, obviously, if things are reported to us, we investigate.

The CHAIR: With the safety case regime that you have now in oil and gas, in the audit that you do, how often do you find that these are not being conformed with?

Mr Ridge: As you will see from the reports, there is only one, I think, of a mental health issue being raised through the system. I have spoken to my inspectors and they say that it is rare; they do not think they have a big problem. They meet with the various operators on a regular basis, and all incidents and accidents are discussed. They look at trend analysis to see if there are any issues. The example I will give is that on the mining side, we may find a site where we multiple bullying reports, and then we go and investigate to see what is going on—investigate the individual bullying reports. We make sites aware of our guidance material that we publish in terms of things like bullying or, for that matter, fatigue. We give them improvement notices or even prohibition notices where it is appropriate.

Mr R.F. JOHNSON: What type of bullying and bullying by whom?

Mr Ridge: We get bullying from co-workers bullying other workers. There are supervisors allegedly bullying people, making undue expectations or showing favouritism to others and that sort of thing. It is not unusual to get complaints in that area.

The CHAIR: What is the data on that side of it? How big is this issue?

Mr Ridge: I would say it is not a huge issue; it tends to be little pockets from time to time that develop. That is why we have developed a process for people to follow. When they ring us up and say, "I'm being bullied", we have a pro forma that we fill out to get the data, and then we do an investigation.

Ms J.M. FREEMAN: But that is reported bullying, is it not?

Mr Ridge: That is reported, yes.

Ms J.M. FREEMAN: Do you get people who ring up and say, "I'm being bullied", and you say, "We have to fill out a form", and they say, "Absolutely not"?

Mr Ridge: Yes, that happens.

Ms J.M. FREEMAN: Do you record that?

Mr Ridge: We record that, but, again, if they will not give us the details and tell us where they are, it is a bit hard —

Ms J.M. FREEMAN: But, anecdotally, you would know that more people will ring up than actually will fill in a form, because of the —

Mr Ridge: Or someone's wife will ring up and say, "My husband's being bullied."

Ms J.M. FREEMAN: Yes, and the stigma of that. How does that interplay now that Fair Work Australia takes bullying claims? Have you seen any go into that jurisdiction?

Mr Ridge: I am not aware of any that any have gone in. I am aware of cases in which they have gone to court and there have been outcomes.

Ms J.M. FREEMAN: So, you are not doing any work with Fair Work Australia in terms of if they go there, you record those. Because you will go down and you will do an improvement notice or stuff like that, because it is a systematic issue, but Fair Work Australia will be dealing with an individual issue, and you will not be aware of that. There is no reporting mechanism between the two so that you can identify that there is a systematic issue.

Mr Ridge: No, not at the moment. Again, it is something that we are going to address, but currently—it might sound moronic—if something comes to our knowledge, we are not allowed to go and tell other people or other jurisdictions, but we want to correct that in the new legislation. It can be varied. Depending on what it is, it can be very difficult for us to talk to actually go and talk to another jurisdiction.

Ms J.M. FREEMAN: I am interested in just following up on that. In your submission at page 10, you talk about petroleum, and you say —

... at Barrow Island an area identified for construction of:

- onshore pipelines... the *Petroleum Pipeline Act* ...

You cover that —

- onshore petroleum facilities ... *Petroleum and Geothermal Energy Resources Act* ...

And you cover that —

- onshore LNG plant licensed under the *Dangerous Goods Safety Act* ...

And that is WorkSafe. Do you get a delegation from WorkSafe to deal with that or are there two bodies working on it?

Mr Ridge: If somebody rang us up at, say, an LNG plant in regards to bullying, we would refer them to WorkSafe; we would tell them, “You need to speak to WorkSafe.”

Ms J.M. FREEMAN: If there is an incident on Barrow Island where the LNG plant is—which is what it mostly is, is it not?

Mr Ridge: Yes.

[10.00 am]

Ms J.M. FREEMAN: — that is not in your bailiwick; that is in WorkSafe’s, and you do not talk to each other about it.

Mr Ridge: We talk in general terms. Again, it is moronic, I know, but we are looking to change that in the new legislation. The other thing that we are looking at is —

The CHAIR: Did you say “moronic”?

Ms J.M. FREEMAN: Yes, he did say “moronic”.

Mr Ridge: I should not say that because Parliament made the laws, but it seems silly. An example would be if I went on a mine site —

Ms J.M. FREEMAN: You drafted the laws, by the way; we just get the drafted laws in the Parliament.

Mr Ridge: That was before my time!

If I go onto a mine site and see an issue with dangerous goods, in theory, I cannot walk across the corridor and tell my dangerous goods officers about it as a mines inspector—in theory. It is quite—almost unmanageable.

Ms J.M. FREEMAN: Which is why—anyway, we will not go through the political aspects of that, will we, Simon—my view and your view on the fact that you should not have two separate departments dealing with occupational health and safety, but anyway —

Mr Ridge: We are looking to address that. The other thing with this particular aspect is we have got agreement with WorkSafe that DMP will take over the OSH on all these sites so that we look after the whole lot.

Ms J.M. FREEMAN: Okay; so it is delegated down to you.

Mr Ridge: Under the new legislation. We will classify it under the new legislation as being a site that we look after.

Ms J.M. FREEMAN: But currently it is not?

Mr Ridge: But currently it is not.

Ms J.M. FREEMAN: So you would not know if there had been any suicides at that plant?

Mr Ridge: Not unless I saw it in the press, or it was reported to us.

The CHAIR: On Barrow Island, is it quite conceivable that you could have an accommodation facility that has workers who come under two different jurisdictions?

Mr Ridge: That is right.

The CHAIR: On page 15 of your submission to us, in point 6 under “Mining” you talk about the fact that your inspectors routinely check fatigue management plans and working hours. They also conduct audit campaigns to check how mines deal with particular issues, including their handling of employee bullying complaints. You also talk about the risk factors, and bullying is one of those. Is there any data that you can provide the committee on the numbers of those complaints that are made to DMP over a period of time?

Mr Ridge: We do have some numbers. The SRS is the system in development, so we have some data in there, but going back it can get a little unreliable, shall we say. We do have some data, yes.

The CHAIR: What contributes to the unreliability?

Mr Ridge: Having multiple paper files, people keeping the records properly.

The CHAIR: Can you give an undertaking to provide the data you have in this area?

Mr Ridge: I can provide the data that we have.

The CHAIR: Particularly in the bullying complaints.

Mr Ridge: Yes.

Mr R.F. JOHNSON: Simon, you said that you have had 10 years' experience or more —

Mr Ridge: I originally joined the department as an inspector in 1990, and I also went to South Australia before I came back, but I have been in the business of mine safety and MHF regulations since 1990.

Mr R.F. JOHNSON: And you have personal experience of rosters—being rostered on day shift, night shift for so many days at a site and then having so many days back home?

Mr Ridge: Yes.

Mr R.F. JOHNSON: I have spoken to many individual FIFO workers and they all have different views as to what is the most ideal roster, not in relation to money, because the longer you do on the shift, the more money you get. In general terms, what is the best roster to have the least adverse effect on your mental health? In other words, what is your experience and what do you find from FIFO workers is the best roster for them to have to maintain good mental health and not to contemplate suicide? I met FIFO workers in Bali recently. An enormous number seem to go up there because it is dead easy on their week or two weeks off. Of course, in that two weeks on and one week off, two of the days of that one week off are spent travelling to the mine and then coming home from the mine, so they do not actually get one week off with their family. I see that as a problem. What has come through to me personally is that, in general terms, two weeks on, two weeks off is probably the ideal —

Mr Ridge: Even roster.

Mr R.F. JOHNSON: — even roster, so you get two weeks to spend with your family. There is less chance of you having family issues. Your children get to see you; they do not see you as a stranger. My experience is that that creates a better mental health aspect.

Mr Ridge: I think it is a lot more complicated than that.

Mr R.F. JOHNSON: It probably is. I am not an expert, but I have spoken to different FIFO workers, and many of them. My question to you—you have more experience than I have—is what do you believe is the most ideal roster that would have the least adverse effect on the mental health of a FIFO worker and possibly, hopefully, would be less of a cause for committing suicide?

Mr Ridge: I am firstly not sure whether the roster is the causal mechanism. It is probably more complicated than that. I have a son-in-law who is fly in, fly out on one of the iron ore mines.

Mr R.F. JOHNSON: I have a son who works two weeks on, one week off—well, it is not actually one off.

Mr Ridge: And he does not like eight and six because he loses too much money, but they have a plan and there is a light at the end of the tunnel. So I do not think any one roster is going to meet all people's needs and aspirations, so it is a bit of a problem. I got a bit of the wrong end of the stick: I worked shiftwork, but I have not done fly in, fly out. I have always worked residential. I worked in Kalgoorlie, the north west and Africa.

Ms J.M. FREEMAN: So that is the question really—getting away from individual sons and sons-in-law and back onto systems, because we can all talk about our individual cases, but what we do in occupational health and safety is look at systems—has the DMP ever considered the question that those high-compression FIFO working rosters are a safe system of work? Have you ever done a systematic analysis of whether they are a safe system of work?

Mr Ridge: I would say that people with the knowledge, like the University of Adelaide and other universities that have looked at these things, and the use of rosters in the mining industry on FIFO is something that is relatively new, but they have been used for people in Main Roads and places like that for a long, long time. There is not an ideal roster. We have not categorically done a study to see —

Ms J.M. FREEMAN: I am not asking for an ideal roster, I am asking for a safe roster. We are asking for something that is about a safe system.

Mr Ridge: I do not think you can say any single roster is going to be 100 per cent safe because there are many more other impacts on the individual.

Ms J.M. FREEMAN: But the DMP has never looked at that? It has never done a safe system analysis of what goes on in terms of fly in, fly out and rosters or workers in the mining industry?

Mr Ridge: We have done work on fatigue associated with work on mines. We have published material on that. We have looked at the design of rosters and we have publicised various reports around that.

Ms J.M. FREEMAN: But you have never issued a breach notice on the facts that something might not be—for example, it seems a bit universal that it is not necessarily a safe system to have people working long rosters and short breaks, where the break is two days of travel; I think it is the five and one or four and one roster.

Mr Ridge: I could not proffer that opinion because I do not have evidence to say otherwise.

Ms J.M. FREEMAN: So what you are telling me is that as regulators you have never investigated whether that is a safe system of work.

Mr Ridge: Not per se, no. It has never been proven to us it is an unsafe system of work. There have been studies done looking at the occurrence of injury over the various rosters and none of the data supports that one roster is worse than another for lost-time injuries. In fact, we recently did a fatality study —

Ms J.M. FREEMAN: But lost-time injuries do not take into account anyone who has had any injury in a work camp. They might have been fatigued and fallen over—they might trip, slip and fall in a work camp—and you are not going to put that as a lost-time injury, are you?

Mr Ridge: No.

Ms J.M. FREEMAN: So they are buggered: they are working long hours and they have gone home, taken two days to travel, come back, and they buggered and they are going back to work. They have an injury in the work camp but that is not a lost-time injury, so you would not get that sort of data?

[10.10 am]

Mr Ridge: No, it is not.

The CHAIR: Simon, you talk in your submission on page 16 about proactive mitigation controls and one of them is fatigue management. Surely, high-compression rosters and fatigue management would be related?

Mr Ridge: We require sites to have fatigue management plans, so the impact of their rosters, travel time et cetera needs to be taken into account. I know mine sites in this state that are drive in, drive

out, so they require people to live within a certain distance. Similarly, I have known sites where they identify the gentleman who is at the end of a night shift, who is jumping on a motorbike and driving several hundred kilometres home, and say to him, “You can’t do that until you have had a good sleep first after night shift.” People do take actions when they identify issues.

Ms J.M. FREEMAN: That is great, but when you find out the ones that do not do that—that is what I am more interested in. Do you go and investigate them? Do you put breach notices on them?

Mr Ridge: Yes. If we find that there is an issue with fatigue on a site and they do not have fatigue management plan, we require them to have a fatigue management plan.

Ms J.M. FREEMAN: Can you give us data about how many breaches you have done?

Mr Ridge: I could go and look at that, and see what the data is.

Ms J.M. FREEMAN: How many investigations you have done on it and how many breaches you have done? That would be really helpful.

Mr Ridge: Yes.

Ms J.M. FREEMAN: Just with that, in terms of—actually, I will defer to you to ask that drive in, drive out question.

The CHAIR: Before I get there, Simon, I just want to explore a little bit if there is an issue in and around the tools, then obviously it comes within your jurisdiction, but if the worker goes back to his accommodation unit —

Ms J.M. FREEMAN: Or hers.

The CHAIR: Or her—I said worker, female or male.

— then it does not fall within your bailiwick; it basically does not actually come under your jurisdiction. I find that a little concerning. I wonder whether you can step us through the duty of care owed by employers to employees. How is that in FIFO camps? How is that duty of care any different when it is owed workers to when they are actually on the tools compared to when they are in their accommodation?

Mr Ridge: One is under the common law and one is under the statute. The operators of the camp would still have a common law duty of care for the people that are using that camp.

Ms J.M. FREEMAN: General liability; no, what is it called?

Mr Ridge: It is general liability or whatever you want call it. It is the common law. In fact, duty of care is a common law principle, but the legislation is limited to activities relating to employment and work on a mine site, so it is around activities and a geographic area—any more than if I hurt myself mowing my lawn at home, my employer would not be liable for that, or a journey accident.

Ms J.M. FREEMAN: But if you caught an industrial disease because of your workplace and you then had the symptoms at home, your employer would be liable for that because that is about the duty of care.

Mr Ridge: Possibly.

Ms J.M. FREEMAN: Possibly, yes—whether the causal factors are linked to that and whether there are any other contributing factors, I understand that. The question is: is mental health a responsibility in terms of that broader aspect of industrial disease?

Mr Ridge: They cannot be responsible for the individual’s mental health —

Ms J.M. FREEMAN: They can be for the impact on the worker.

Mr Ridge: They could be responsible for certain things that happen in the workplace that may impinge upon it. They certainly would —

Ms J.M. FREEMAN: Or cause it?

Mr Ridge: Yes; or possibly cause it.

Ms J.M. FREEMAN: Or undermine it?

Mr Ridge: Possibly.

Ms J.M. FREEMAN: At this point in time, that is not taken into account under the Mines Safety and Inspection Act, is it?

Mr Ridge: The act is silent on it. It does not describe it or specify it or define it.

Ms J.M. FREEMAN: I suppose you do not go into whether they get compensation for it; you do not look at that. Do you take figures from workers' comp in terms of how many workers are taking stress claims in the mining industry and stuff like that?

Mr Ridge: We certainly get that. That data is available. There are some listed there that show cases of when people are off work and therefore it is a lost-time injury and there would be workers' compensation numbers related to those individual claims. Certainly, I go to the COSH committee at WorkSafe—we sit on that—and there is data from the workers' compensation that would specify mining and compensation around things like stress. There are numbers for that sort of thing.

The CHAIR: Simon, I would like to introduce Murray Cowper, member for Murray–Wellington, who is also on the committee.

I would just like to go back to the issue of duty of care for workers in accommodation that can be onsite at a mining operation. I understand that those relevant appropriate jurisdictions are under your care, if you like. It could be very likely that there could be a particular worker who is feeling the stressors of the job, all those issues we have talked about—it might be bullying, high-compression rosters or fatigue; myriad issues you have stated in your submission—and a tragic event occurs in the accommodation unit that could be in fact directly fairly strongly work caused, but that particular issue and that particular worker is not picked up. You do not have any duty of care in there, because, from a legislated regulation perspective, it is not your brief and it has not been described. Who has —

Mr Ridge: The police would investigate on behalf of the coroner, and then the coroner would possibly come to some findings. I have not read coroners' reports into those things, but I would imagine those possible precursors would be countenanced and if there was evidence that this person was, shall we say, subjected to an inordinate amount of bullying in the camp, no doubt, that would come out and the coroner's findings would have something to say about that.

Ms J.M. FREEMAN: The coroner has told us that they do not actually keep that sort of data in terms of FIFO—that is how I understand it—or it is not that specific. They take occupations, but not that sort of occupational aspect of it. The industry is telling us that there is no identifiable difference between mental health and suicide issues in the general public and FIFO. They are the two things—they are just saying, you know, it is related to those other risk factors; being a bloke, being a certain age and those sorts of things.

Mr Ridge: Being 25 to 44.

Ms J.M. FREEMAN: And yet we cannot find enough evidence to show us that. There are not the stats; no-one tweaks the stats. You are saying to us that the police and the coroner will do that. You are saying that we will only do it if they are on the tools.

Mr Ridge: I said that I assume that.

Ms J.M. FREEMAN: You did say "assume". My question to you is: How can we fix that? How can we actually get the data on what is clearly perceived to be a problem out there—it has been on the front pages of our newspapers—to actually identify whether it is a problem? You and I both know that if you are doing a proper analysis of health, the first thing is to identify if there is actually a hazard. At this point in time, the difficulty is that the data is not there and it is not being

collected. It is not as if you can go to someone and say, “This shows that it is not a problem.” What you can do is say that it is not being collected, so you do not know if it is a problem. How can we fix that?

[10.20 am]

Mr Ridge: We certainly cannot be definitive on it, and we would need to get the appropriately qualified people, probably a tertiary institution, to do a study and to design a reporting process going forward so we could collect the data going forward as well, so we could do a retrospective analysis.

Ms J.M. FREEMAN: From our perspective, what is important is giving you, the department, the tools to collect it in the future. What is the mechanism to do that?

Mr Ridge: The mechanism is in the act to have a list of reportable incidents include this type of thing, and to define overtly that that kind of event requires a report and some detail and investigation by the regulator and certainly by the company.

Ms J.M. FREEMAN: I just want to build on the question that the Chair asked. I am of the understanding that at certain FIFO camps to actually leave the camp you have to ask for permission seven days earlier—in some cases, a couple of days earlier—so you are confined to the camp during the period you are employed.

Mr Ridge: I believe that happens in some places like Barrow Island; I am not so sure that mine sites would do that.

Ms J.M. FREEMAN: My understanding is that it is on a mainland camp and not just Barrow Island.

Mr Ridge: I know that at Barrow Island you are not allowed to go into certain areas because it is nature reserve.

Ms J.M. FREEMAN: Yes, but my understanding is that there are a couple of mainland camps where you cannot leave the camp. Under the basis that your employer is directing you to stay in a certain area, would that not then be seen as encompassing a worksite because you are directed to stay there?

Mr Ridge: I do not know the detail and I would have to consult a lawyer to see whether that is true. It might be the conditions of their employment.

Ms J.M. FREEMAN: If it is a condition of their employment that they have to stay in a certain place without approval, would that not then fall into your definition of a greater worksite? You are still on the tools because you are required to stay there.

Mr Ridge: No, I think you would have to get a lawyer’s opinion on that one; I do not think so. What is work? Is it an activity?

Ms J.M. FREEMAN: What is work for the purposes of workers’ compensation is pretty broad as well.

Mr Ridge: It is really for a lawyer to decide on that one. We could think of lots of examples, like being in the Army.

Ms J.M. FREEMAN: In the regulations where someone is directed to stay within a precinct of a mining camp, could you not make a regulation to say that for the purposes of the mining safety act that is therefore considered a worksite?

Mr Ridge: You could do, but I do not know if it would be good law.

The CHAIR: Simon, could you clarify for me: the duty of care in and around FIFO workers in accommodation, is that any different in who is responsible and who has duty of care in a mining camp as distinct from an oil and gas operation?

Mr Ridge: Duty of care is an all-encompassing concept.

The CHAIR: Yes, but a duty of care with the worker within the accommodation unit.

Mr Ridge: It would not be any different, no. We all have a duty of care.

The CHAIR: We have just gone through the fact that you say that if the guy or girl is not on the tools —

Mr Ridge: No, no, it is a different thing: I am saying that my jurisdiction under the Mines Safety and Inspection Act is limited, but the duty of care is an all-encompassing concept and it occurs in work health and safety, it occurs in common law. The people who have an impact on other people have a duty of care. If I am at a football match, I have a duty of care to the person sitting next to me.

Ms J.M. FREEMAN: Yes, but legislation has limited how you prosecute under duty of care. So you might say that an employer has a general duty of care, but under the workers' compensation act they cannot pursue penalty under that duty of care because that is shutdown. Under general liability laws, if I am at a football oval and I injure myself—that has been closed down because otherwise people would have to insure themselves to the heavens to be able to cover that —

Mr Ridge: But you have the insurance because I can sue you under common law.

Ms J.M. FREEMAN: Yes, but you can only under certain confined areas sue them under common law for general duty of care. So throwing that out there and saying they have a general duty of care, yes, it is right, but as a worker I do not have any recourse, because I do not have any legal rights under that duty of care because legislators have closed that down.

Mr Ridge: Possibly. Again, that is for the lawyers to work that out.

Ms J.M. FREEMAN: It is nice to put it out there, but the reality is that what matters at a workplace is the legislation you have regulation over.

Mr Ridge: An example might be if they do not maintain the wiring in accommodation and someone gets an electric shock and falls over—it does not kill them, but they hurt themselves—they would have recourse under common law.

Ms J.M. FREEMAN: I am sorry, which particular part of common law would they have recourse under?

Mr Ridge: They can sue the provider of the service, which is the camp manager or the owners of the camp, for not maintaining a safe place —

Ms J.M. FREEMAN: FMG had someone die in their campsite when a cyclone came through and they could not sue anyone and get it to stick—not under duty of care, not under workers' comp. That was more than an electric shock going off.

Mr Ridge: Again, the law is not perfect, is it?

Mr M.J. COWPER: Simon, could you please walk us through the procedures that are involved when someone dies on a mine site?

Mr Ridge: On a mine site?

The CHAIR: We did touch on that but we can go through that again.

Mr Ridge: If it happened on a mine site, we would be informed and we would make inquiries as to the circumstances of that passing.

Mr M.J. COWPER: Who would make the inquiry?

Mr Ridge: Our inspectors. We have a dedicated investigations unit. If someone died on a mine site, more than likely we would attend. The circumstances around that are current and a report will be written and submitted to the coroner.

Mr M.J. COWPER: Is there a requirement to convene a mines court there and then?

Mr Ridge: No.

Mr M.J. COWPER: For your information, my background is a police officer in charge of Dampier Police Station and we had deaths on Hamersley Iron sites.

Mr Ridge: And you would attend as the police officer?

Mr M.J. COWPER: As attending officer we had to convene someone to, if you like, a court and we brought people in from Robe River to look at this particular incident so they could make an assessment from a professional perspective. Are you aware of that?

Mr Ridge: No, I have never heard of a court being —

Mr M.J. COWPER: It is an annexure, if you like, of the Coroner's Court, and they bring people in from like companies and examine the circumstances attending that particular death. An example was that at East Intercourse Island a fellow put a welding rod in reverse and had reverse polarity on a welding rig. It backfired and threw him across the room and he hit a steel storage unit. As a result, we convened a group of people, there was a requirement under the act —

Mr Ridge: The coroner has got those powers as well.

Mr M.J. COWPER: Correct. But as I understand it, there is also provision under the mines act.

Mr Ridge: The Mines Safety and Inspection Act?

Mr M.J. COWPER: Yes.

Mr Ridge: I am not aware of that.

Mr M.J. COWPER: So basically all you do is send your inspectors there to have a look and they form a report. The police do a report for the coroner. Is that how it works?

Mr Ridge: Essentially, we work with the police and under the instructions of the coroner, because the coroner has control of the —

Mr M.J. COWPER: Are there any other different circumstances that occur from onsite say to offshore?

Mr Ridge: I would not believe there was any difference there. The coroner again would be the ultimate power.

Mr M.J. COWPER: What about circumstances where it is a cross-jurisdiction thing, say, on a ship?

Mr Ridge: On a ship, we have had instances where it gets a little bit grey. For instance, I am aware of an incident some years ago on a dolphin and that would fall under marine and harbours. If it was on a ship, it would fall under maritime safety. If it was actually on the wharf and they were carrying out mining activity, like loading mineral, it would fall under us. If it was other activities, it would fall under WorkSafe. Particularly around ports there are some real grey areas. It depends on the activity and the location.

Mr M.J. COWPER: Are there any specific provisions the inspectors look for with respect to conditions, say, a remote mining site compared with a mining camp that is quite elaborate, with gymnasiums —

Mr Ridge: Personal trainers.

Mr M.J. COWPER: All sorts of things, but others that are quite remote might be smaller operations and have different —

Mr Ridge: Standards.

Mr M.J. COWPER: Well, facility, yes. Are there any particular requirements under the act that you aware that the inspectors look for?

[10.30 am]

Mr Ridge: There are no specific requirements under the act or the regulations in terms of the types of camps that are provided; however, under the general concept people would be unlikely to put up with —

Ms J.M. FREEMAN: Is there no code of practice?

Mr Ridge: Not for accommodation that I am aware of, no.

Mr M.J. COWPER: Do the inspectors at all record the conditions that apply at each camp?

Mr Ridge: The inspectors stay in them themselves, so they are very aware of what the conditions are like.

Ms J.M. FREEMAN: But they do not record them: that is the question.

Mr Ridge: I have never stayed in a camp that is totally inadequate. If there was a problem, you would do something about it.

Ms J.M. FREEMAN: There is no regulation, no legislation and no code of practice, so what you are saying is that there is an individual aspect of how you look at whether there is nice décor, but you have not actually established any system for how you measure the quality and level of camps?

Mr Ridge: No.

Ms J.M. FREEMAN: There is no code of practice, there are no standards on how people are accommodated in that, including whether they are “motelling”, and the impacts on that? There is nothing like that around.

Mr Ridge: The standards in general terms would relate to the local authority’s bylaws.

Mr M.J. COWPER: So the Department of Health, that sort of stuff?

Mr Ridge: Health department.

Ms J.M. FREEMAN: Yes, that is for the toilet facilities and the shower and whether there are rats running underneath it, and stuff like that. But in terms of safety and health, and health being a broad term that is not limited and so does not exclude mental health, the department does not have, and has never done any code of practice work around the accommodation?

Mr Ridge: No.

Ms J.M. FREEMAN: And no standards and code of practice work around the best form of providing that accommodation for people’s mental health?

Mr Ridge: No.

The CHAIR: How many inspectors do you have?

Mr Ridge: Approximately 64 mines inspectors are currently appointed.

Mr M.J. COWPER: What is the role of those inspectors? Do they report at all in relation to accommodation or strictly just on what happens on mine sites?

Mr Ridge: Where the accommodation falls under us from time to time they will investigate various things—bullying acts or whatever—so we have an overarching responsibility to make sure that the work being carried out in these places is done according to the law.

Mr M.J. COWPER: Can you give us an example of a day-to-day thing an inspector would do on a mine site?

Mr Ridge: Inspectors would attend the mine site, and they actually stay in the camps themselves anyway. They would obviously talk to the safety reps and the mine managers about issues, incidents and accidents that have occurred. They may do audits or address specific matters like workshops, or

isolation and tag out, explosive storage and usage, or the safety management system. They would do presentations from time to time and attend safety meetings.

Mr M.J. COWPER: Do they issue any —

Ms J.M. FREEMAN: Improvement notices.

Mr Ridge: They issue improvement notices and prohibition notices, do investigations into occurrences or complaints, and have a good view around specific high-risk activities. So if you are looking at autonomous operations, you would make sure that the provisions are in place to separate people; they cannot just get into these spaces.

Mr M.J. COWPER: If an order were issued, is there a different level of order that is issued? For instance, if it is a glaringly obvious health risk to somebody, are they supposed to shut it down?

Mr Ridge: If there is imminent potential for someone to be injured, then there would be a prohibition notice. If there was something that could be improved, it would be an improvement notice, again, depending on what the circumstances were.

Mr M.J. COWPER: Say they issue an improvement notice, what period of time is allocated for them to be able to do that?

Mr Ridge: It depends on what the issue is. Normally you would have a conversation with management and say, “How quickly can we address this?” It might be two weeks or it might be two months, or it could be six months. It depends on what the issue is.

Ms J.M. FREEMAN: It could be two years.

Mr Ridge: I do not think I have ever heard of anyone being given two years; certainly several months would not be unusual.

Ms J.M. FREEMAN: When you do it and then extend them.

Mr Ridge: An example would be the guys’ first aid training. You cannot say that they have to do it tomorrow because they have to have someone provide that first aid training. The next course might be in a month’s time so you would give them a month to get it done and ask them to provide the booking sheet so you know what is going to happen.

Mr M.J. COWPER: Of your 64 inspectors, how many mine sites do they visit across WA?

Mr Ridge: The exact numbers on the books vary a little. There are up to 800, but that includes every little gravel site and sand pit and those that are operated independently. There are 400 or so mines that are operating at that higher level.

Mr M.J. COWPER: So you are calling sand pits —

Mr Ridge: That is a mine as well.

Mr M.J. COWPER: So if someone has a licence for the extraction of sand or gravel, that is actually a mine site?

Mr Ridge: Yes, and if they operate it for only two weeks a year, it is still a mine site.

Ms J.M. FREEMAN: That is why a safety case is important for you, is it not?

Mr M.J. COWPER: Do you have those documented?

Mr Ridge: We have a list in the system, yes.

Mr M.J. COWPER: Is it possible to get a copy of that list?

Mr Ridge: We could probably do that, yes.

The CHAIR: If you could provide us with that list, Simon.

Mr Ridge: A list of mine sites?

The CHAIR: There is some good data that you did provide for us, and that was lost-time injury reports. It talked about 23 claims from 2009 to 2013. It surprised me that none of those seemed to be related to stress or anxiety.

Mr Ridge: It is the information we have been provided with. The list contains things like suffering stress from discovering a fatally injured person on a previous shift. I suppose that sort of thing is stress and anxiety. There is a sexual harassment one which —

The CHAIR: So how many do you think were related to stress and anxiety?

Mr Ridge: A sexual harassment claim would come under stress and anxiety, I would have thought. A shift supervisor who suffered stress from discovering a fatal injury; an increase in stress levels within the workplace culminating in disagreement with a superior, causing the employee to become unfit for work—most of these are stress related.

The CHAIR: So a considerable number of those 23?

Mr Ridge: Yes.

Ms J.M. FREEMAN: There has been a discussion paper put out with respect to the changes to the occupational health and safety laws—maybe I am thinking of the federal laws, but certainly with workers' comp they have put out a green paper. Is it the intention of the department to put out a discussion paper on the new mines safety inspection act, or a green bill, before you make those changes so that would be able to be discussed in the community before it comes before Parliament?

Mr Ridge: The intent is to instruct the parliamentary draftsman to draft a bill.

Ms J.M. FREEMAN: A bill? So it will not be a green bill?

Mr Ridge: It has been discussed at a tripartite level through the National Mine Safety Framework for six years.

Ms J.M. FREEMAN: I think we were in Parliament and I was whinging about that recently.

Mr Ridge: That is right. And through MIAC and the ministerial advisory panel, all of which are tripartite, so the intent is to go forward with that as a bill, which mirrors, apart from the specific mining aspects, the WorkSafe green paper, so there does not seem to be a need for it. Right now we are actually having a conceptual regulation impact statement around resources in general and about whether we put in petroleum, mining and major hazards under one piece of legislation. A contract has been let for consultation across the board on that concept, and then we will see where we go from there. If we get support from stakeholders for that, there will possibly be a process where we go through that, possibly through a green paper or whatever.

The CHAIR: Thank you, Simon. We had better wrap it up. Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for the correction of minor errors. Any such corrections must be made and the transcript returned with 10 days of the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration.

We would be grateful if you could provide that extra information that you undertook to send us when you return your corrected transcript.

Mr Ridge: Thank you very much.

Hearing concluded at 10.40 am
